

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/9/99

A Bill

Act 1170 of 1999
SENATE BILL 800

5 By: Senator Hoofman
6 By: Representative Salmon
7

For An Act To Be Entitled

10 "AN ACT TO CREATE AN *OFF-PREMI SE* CATERER' S PERMIT
11 WHICH WOULD AUTHORIZE QUALIFIED AND ESTABLISHED
12 CATERING BUSINESSES TO PURCHASE ALCOHOLIC BEVERAGES
13 FROM PERMITTED RETAILERS AND TRANSPORT AND SERVE SUCH
14 BEVERAGES, ALONG WITH CATERED FOOD, TO PRIVATE
15 FUNCTIONS; AND FOR OTHER PURPOSES. "

Subtitle

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18 "TO CREATE AN *OFF-PREMI SE* CATERER' S
19 PERMIT TO AUTHORIZE CATERING BUSINESSES
20 TO PURCHASE AND SERVE ALCOHOLIC
21 BEVERAGES, ALONG WITH CATERED FOOD, TO
22 PRIVATE FUNCTIONS. "

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Definitions.

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27 As used in this act, unless the context otherwise requires:

28 (1) "Director" means the Director of the Alcoholic Beverage Control
29 Division;

30 (2) "Off-Premise Caterer" means an individual or business entity which
31 has been in business for more than one (1) year, sixty percent (60%) or more
32 of whose gross sales for the preceding year have been derived from food sales,
33 which had gross food sales in excess of one hundred thousand dollars
34 (\$100,000) for the preceding year, and which for a fee, prepares food and
35 beverages to be consumed at private parties or other private functions, and
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1 which transports the food and beverages from the permitted premises to the
2 premises where the private function is being held;

3 (3) "Off-Premise Caterer's permit" means a license which authorizes the
4 holder thereof to purchase alcoholic beverages from a permitted retail outlet,
5 to transport the alcoholic beverages to a private function which is being
6 catered by the permit holder, and to serve alcoholic beverages to attendees of
7 a private function in conjunction with catered food.

8 (4) "Alcoholic beverages" means any alcoholic beverage which is sold at
9 retail in Arkansas.

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11 SECTION 2. Off-Premise Caterer's Permit.

12 There is hereby created an off-premise caterer's permit which may be
13 issued by the Arkansas Alcoholic Beverage Control Division to qualified off-
14 premise caterers as defined in this act. The annual permit fee for a permit
15 shall be two hundred dollars (\$200) and it shall be renewed on an annual
16 basis. The off-premise caterer's permit shall be posted conspicuously at the
17 caterer's place of business. Gross receipts tax shall be collected and
18 remitted by the off-premise caterer on the total fee charged for each catered
19 event.

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21 SECTION 3. Qualifications for permit.

22 No off-premise caterer's permit shall be issued by the Alcoholic
23 Beverage Control Division until an applicant for the permit provides proof
24 that it has obtained a sales tax permit from the Arkansas Revenue Division and
25 has received approval of its permitted premises by the State Department of
26 Health. Further, no off-premise caterer's permit shall be issued until the
27 applicant provides proof of general liability insurance providing coverage in
28 an amount of no less than two hundred thousand dollars (\$200,000).

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30 SECTION 4. Regulations and forms.

31 The Alcoholic Beverage Control Division is authorized to adopt
32 reasonable rules and regulations implementing and facilitating the purpose and
33 intent of this act, to establish appropriate application forms, permit forms,
34 and procedures, and to do any and all other things necessary to implement the
35 provisions of this act.

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1 SECTION 5. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 6. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 7. All laws and parts of laws in conflict with this act are
12 hereby repealed.

13 /s/ Hoofman

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16 APPROVED: BECAME LAW ON 4/6/1999, WITHOUT THE GOVERNOR'S SIGNATURE.
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